

Calendar No. 28

109TH CONGRESS
1ST SESSION

S. 214

[Report No. 109–17]

To authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2005

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MARCH 7, 2005

Reported by Mr. DOMENICI, without amendment

A BILL

To authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States-Mexico
3 Transboundary Aquifer Assessment Act”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to direct the Secretary of
6 the Interior to establish a United States-Mexico
7 transboundary aquifer assessment program to—

8 (1) systematically assess priority transboundary
9 aquifers; and

10 (2) provide the scientific foundation necessary
11 for State and local officials to address pressing
12 water resource challenges in the United States-Mex-
13 ico border region.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) **AQUIFER.**—The term “aquifer” means a
17 subsurface water-bearing geologic formation from
18 which significant quantities of water may be ex-
19 tracted.

20 (2) **BORDER STATE.**—The term “Border State”
21 means each of the States of Arizona, California,
22 New Mexico, and Texas.

23 (3) **INDIAN TRIBE.**—The term “Indian tribe”
24 means an Indian tribe, band, nation, or other orga-
25 nized group or community—

1 (A) that is recognized as eligible for the
2 special programs and services provided by the
3 United States to Indians because of their status
4 as Indians; and

5 (B) the reservation of which includes a
6 transboundary aquifer within the exterior
7 boundaries of the reservation.

8 (4) PRIORITY TRANSBOUNDARY AQUIFER.—The
9 term “priority transboundary aquifer” means a
10 transboundary aquifer that has been designated for
11 study and analysis under the program.

12 (5) PROGRAM.—The term “program” means
13 the United States-Mexico transboundary aquifer as-
14 sessment program established under section 4(a).

15 (6) RESERVATION.—The term “reservation”
16 means land that has been set aside or that has been
17 acknowledged as having been set aside by the United
18 States for the use of an Indian tribe, the exterior
19 boundaries of which are more particularly defined in
20 a final tribal treaty, agreement, executive order,
21 Federal statute, secretarial order, or judicial deter-
22 mination.

23 (7) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior, acting through the Di-
25 rector of the United States Geological Survey.

1 (8) TRANSBOUNDARY AQUIFER.—The term
 2 “transboundary aquifer” means an aquifer that
 3 underlies the boundary between the United States
 4 and Mexico.

5 (9) TRI-REGIONAL PLANNING GROUP.—The
 6 term “Tri-Regional Planning Group” means the bi-
 7 national planning group comprised of—

8 (A) the Junta Municipal de Agua y
 9 Saneamiento de Ciudad Juarez;

10 (B) the El Paso Water Utilities Public
 11 Service Board; and

12 (C) the Lower Rio Grande Water Users
 13 Organization.

14 (10) WATER RESOURCES RESEARCH INSTI-
 15 TUTES.—The term “water resources research insti-
 16 tutes” means the institutes within the Border States
 17 established under section 104 of the Water Re-
 18 sources Research Act of 1984 (42 U.S.C. 10303).

19 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

20 (a) IN GENERAL.—The Secretary, in consultation
 21 and cooperation with the Border States, the water re-
 22 sources research institutes, Sandia National Laboratories,
 23 and other appropriate entities in the United States and
 24 Mexico, shall carry out the United States-Mexico
 25 transboundary aquifer assessment program to charac-

1 terize, map, and model transboundary groundwater re-
 2 sources along the United States-Mexico border at a level
 3 of detail determined to be appropriate for the particular
 4 aquifer.

5 (b) OBJECTIVES.—The objectives of the program are
 6 to—

7 (1) develop and implement an integrated sci-
 8 entific approach to assess transboundary ground-
 9 water resources, including—

10 (A)(i) identifying fresh and saline
 11 transboundary aquifers; and

12 (ii) prioritizing the transboundary aquifers
 13 for further analysis by assessing—

14 (I) the proximity of the transboundary
 15 aquifer to areas of high population density;

16 (II) the extent to which the
 17 transboundary aquifer is used;

18 (III) the susceptibility of the
 19 transboundary aquifer to contamination;
 20 and

21 (IV) any other relevant criteria;

22 (B) evaluating all available data and publi-
 23 cations as part of the development of study
 24 plans for each priority transboundary aquifer;

1 (C) creating a new, or enhancing an exist-
2 ing, geographic information system database to
3 characterize the spatial and temporal aspects of
4 each priority transboundary aquifer; and

5 (D) using field studies, including support
6 for and expansion of ongoing monitoring and
7 metering efforts, to develop—

8 (i) the additional data necessary to
9 adequately define aquifer characteristics;
10 and

11 (ii) scientifically sound groundwater
12 flow models to assist with State and local
13 water management and administration, in-
14 cluding modeling of relevant groundwater
15 and surface water interactions;

16 (2) expand existing agreements, as appropriate,
17 between the United States Geological Survey, the
18 Border States, the water resources research insti-
19 tutes, and appropriate authorities in the United
20 States and Mexico, to—

21 (A) conduct joint scientific investigations;

22 (B) archive and share relevant data; and

23 (C) carry out any other activities con-
24 sistent with the program; and

1 (3) produce scientific products for each priority
2 transboundary aquifer that—

3 (A) are capable of being broadly distrib-
4 uted; and

5 (B) provide the scientific information need-
6 ed by water managers and natural resource
7 agencies on both sides of the United States-
8 Mexico border to effectively accomplish the mis-
9 sions of the managers and agencies.

10 (c) DESIGNATION OF PRIORITY TRANSBOUNDARY
11 AQUIFERS.—

12 (1) IN GENERAL.—For purposes of the pro-
13 gram, the Secretary shall designate as priority
14 transboundary aquifers—

15 (A) the Hueco Bolson and Mesilla aquifers
16 underlying parts of Texas, New Mexico, and
17 Mexico; and

18 (B) the Santa Cruz River Valley aquifers
19 underlying Arizona and Sonora, Mexico.

20 (2) ADDITIONAL AQUIFERS.—The Secretary
21 shall, using the criteria under subsection
22 (b)(1)(A)(ii), evaluate and designate additional pri-
23 ority transboundary aquifers.

24 (d) COOPERATION WITH MEXICO.—To ensure a com-
25 prehensive assessment of transboundary aquifers, the Sec-

1 retary shall, to the maximum extent practicable, work with
 2 appropriate Federal agencies and other organizations to
 3 develop partnerships with, and receive input from, relevant
 4 organizations in Mexico to carry out the program.

5 (e) GRANTS AND COOPERATIVE AGREEMENTS.—The
 6 Secretary may provide grants or enter into cooperative
 7 agreements and other agreements with the water re-
 8 sources research institutes and other Border State entities
 9 to carry out the program.

10 **SEC. 5. IMPLEMENTATION OF PROGRAM.**

11 (a) COORDINATION WITH STATES, TRIBES, AND
 12 OTHER ENTITIES.—The Secretary shall coordinate the ac-
 13 tivities carried out under the program with—

14 (1) the appropriate water resource agencies in
 15 the Border States;

16 (2) any affected Indian tribes; and

17 (3) any other appropriate entities that are con-
 18 ducting monitoring and metering activity with re-
 19 spect to a priority transboundary aquifer.

20 (b) NEW ACTIVITY.—After the date of enactment of
 21 this Act, the Secretary shall not initiate any new field
 22 studies or analyses under the program before consulting
 23 with, and coordinating the activity with, any Border State
 24 water resource agencies that have jurisdiction over the aq-
 25 uifer.

1 (c) STUDY PLANS; COST ESTIMATES.—

2 (1) IN GENERAL.—The Secretary shall work
3 closely with appropriate Border State water resource
4 agencies, water resources research institutes, and
5 other relevant entities to develop a study plan,
6 timeline, and cost estimate for each priority
7 transboundary aquifer to be studied under the pro-
8 gram.

9 (2) REQUIREMENTS.—A study plan developed
10 under paragraph (1) shall, to the maximum extent
11 practicable—

12 (A) integrate existing data collection and
13 analyses conducted with respect to the priority
14 transboundary aquifer;

15 (B) if applicable, improve and strengthen
16 existing groundwater flow models developed for
17 the priority transboundary aquifer; and

18 (C) be consistent with appropriate State
19 guidelines and goals.

20 **SEC. 6. EFFECT.**

21 Nothing in this Act affects—

22 (1) the jurisdiction or responsibility of a Border
23 State with respect to managing surface or ground-
24 water resources in the Border State; or

1 (2) the water rights of any person or entity
2 using water from a transboundary aquifer.

3 **SEC. 7. REPORTS.**

4 Not later than 5 years after the date of enactment
5 of this Act, and on completion of the program in fiscal
6 year 2014, the Secretary shall submit to the appropriate
7 water resource agency in the Border States, an interim
8 and final report, respectively, that describes—

9 (1) any activities carried out under the pro-
10 gram;

11 (2) any conclusions of the Secretary relating to
12 the status of transboundary aquifers; and

13 (3) the level of participation in the program of
14 entities in Mexico.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There are authorized to be appro-
17 priated to carry out this Act \$50,000,000 for the period
18 of fiscal years 2006 through 2015.

19 (b) DISTRIBUTION OF FUNDS.—Of the amounts
20 made available under subsection (a), 50 percent shall be
21 made available to the water resources research institutes
22 to provide funding to appropriate entities in the Border
23 States (including Sandia National Laboratories, State
24 agencies, universities, the Tri-Regional Planning Group,
25 and other relevant organizations) and Mexico to conduct

- 1 activities under the program, including the binational col-
- 2 lection and exchange of scientific data.

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